President Johnson's Veto of the Civil Rights Bill.

To the Senate of the United States:

I regret that the bill which has passed both Houses of Congress, entitled "An act to protect all persons in the United States in their civil rights, and furnish the means for their vindication," contains provisions which I cannot approve, consistently with my sense of duty to the whole people, and my obligations to the Constitution of the United States. I am therefore constrained to return it to the Senate, the House in which it originated, with my objections to its becoming a law.

By the first section of the bill, all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called Gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood.—Every individual of these races, born in the United States, is by the bill made a citizen of the United States. It does not purport to declare or to confer any other right of citizenship than Federal citizenship. It does not purport to give these classes of persons any *status* as citizens of States, except that which may result from their *status* as citizens of the United States. The power to confer the right of State citizenship is just as exclusively with the several States, as the power to confer the right of Federal citizenship is with Congress.

The right of Federal citizenship thus to be conferred on the several excepted races before mentioned is now, for the first time, proposed to be given by law. If, as is claimed by many, all persons who are native-born already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill cannot be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make them such, the grave question presents itself, whether, when eleven of the thirty-six States are unrepresented in Congress, at this time it is sound policy to make our entire colored population and all other excepted classes citizens of the United States? Four millions of them have just emerged from slavery into freedom. Can it be reasonably supposed that they possess the requisite qualifications to entitle them to all the privileges and immunities of citizens of the United States? Have the people of the several States expressed such a conviction? It may also be asked whether it is necessary that they should be declared citizens, in order that they may be secured in the enjoyment of civil rights? Those rights proposed to be conferred by the bill are, by Federal as well as State laws, secured to all domiciled aliens and foreigners even before the completion of the process of naturalization; and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those, for whom this bill provides special legislation. Besides, the policy of the Government, from its origin to the present time, seems to have been that persons who are strangers to, and unfamiliar with, our institutions and laws should pass through a certain probation, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens, as contemplated by the Constitution of the United States.

The bill, in effect, proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro, to whom, after long years of bondage, the avenues to freedom and intelligence have now been suddenly opened. He must, of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of our institutions than he who, coming from abroad, has to some extent at least familiarized himself with the principles of a Government to which he voluntarily entrusts "life, liberty, and the pursuit of happiness." Yet it is now proposed, by a single legislative enactment, to confer the rights of citizens upon all persons of African descent born within the extended limits of the United States, while persons of foreign birth, who make our land their home, must undergo a probation of five years, and can only then become citizens upon proof that they are of "good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same."

The first section of the bill also contains an enumeration of the rights to be enjoyed by these classes, so made citizens, "in every State and Territory in the United States." These rights are: "To make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property," and to have "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens." So, too, they are made subject to the same punishment, pains, and penalties in common with white citizens, and to none others. Thus, a perfect equality of the white and black races is attempted to be fixed by Federal law, in every State of the Union, over the vast field of State jurisdiction covered by these enumerated rights.—In no one of these can any State ever exercise any power of discrimination between the different races.

In the exercise of State policy over matters exclusively affecting the people of each State, it has frequently been thought expedient to discriminate between the two races. By the statutes of some of the States, Northern as well as Southern, it is enacted, for instance, that no white person shall intermarry with a negro or mulatto. Chancellor Kent says, speaking of the blacks, that "marriages between them and the whites are forbidden in some of the States where slavery does not exist, and they are prohibited in all the slaveholding States, and when not absolutely contrary to law, they are revolting and regarded as an offence against public decorum."

I do not say this bill repeals State laws on the subject of marriage between the two races, for as the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore cannot, under this bill, enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy as to discrimination, and to inquire whether, if Congress can abrogate all State laws of discrimination between the two races, in the matter of real estate, of suits, and of contrats generally, Congress may not also repeal the State laws as to the contract of marriage between the two races?—Hitherto, every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging to the States. They all relate to the internal policy and economy of the respective States. They are matters which in each State concern the domestic condition of its people, varying in each according to its own peculiar circumstances, and the safety and well-being of its own citizens. I do not mean to say that upon all these subjects there are not Federal restraints, as, for instance in the State power of legislation over contracts, there is a Federal limitation that no State shall pass a law impairing the obligations of contracts; and as to crimes, that no State shall pass an *ex post facto* law; and as to money, that no State shall make anything but gold and silver a legal tender. But where can we find a Federal prohibition against the power of any State to discriminate, as do most of them, between aliens and citizens, between artificial persons called corporations, and natural persons, in the right to hold real estate?

If it be granted that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, why, it may be asked, may not Congress repeal in the same way all State laws discriminating between the two races on the subjects of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State then Congress can by law also declare who, without regard to color or race, shall have the right to sit as a juror or as a judge, to hold any office, and finally, to vote "in every State and Territory of the United States." As respects the Territories, they come within the power of Congress, for as to them the law-making power is the Federal power; but as to the States no similar provision exists, vesting in Congress the power "to make rules and regulations" for them.

The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares "that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court." This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put, or attempt to put, them into execution. It means an official offence, not a common crime committed against law upon the persons or property of the black race. Such an act may deprive the black man of his property, but not of his *right* to hold property. It means a deprivation of the right itself, either by the State judiciary or the State legislature. It is therefore assumed that under this section members of State legislatures, who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that marshals and sheriffs who should, as ministerial officers, execute processes sanctioned by State laws and issued by State Judges in execution of their judgments, could be brought before other tribunals and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose.

The legislation thus proposed invades the judicial power of the State. It says to every State Court or Judge, if you decide that this act is unconstitutional—if you refuse, under the prohibition of a State law, to allow a negro to testify—if you hold that over such a subject-matter the State law is paramount, and "under color" of a State law refuse the exercise of the right to the negro—your error of judgment, however conscientious, shall subject you to fine and imprisonment! I do not apprehend that the conflicting legislation, which the bill seems to contemplate, is so likely to occur as to render it necessary at this time to adopt a measure of such doubtful constitutionality.

In the next place, this provision of the bill seems to be unnecessary, as adequate judicial remedies could be adopted to secure the desired end without invading the immunities of legislators, always important to be preserved in the interests of public liberty; without assailing the independence of the judiciary, always essential to the preservation of individual rights; and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order. The remedy proposed by this section seems to be, in this respect, not only anomalous but unconstitutional, for the Constitution guarantees nothing with certainty, if it does not insure to the several States the right of making and executing laws in regard to all matters arising within their jurisdiction, subject only to the restriction that in cases of conflict with the Constitution and constitutional laws of the United States, the latter should be held to be the supreme law of the land.

The third section gives the district courts of the United States exclusive "cognizance of all crimes and offences committed against the provisions of this act," and concurrent jurisdiction with the circuit courts of the United States of all civil and criminal cases "affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section." The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights "in the courts or judicial tribunals of the State." It stands, therefore, clear of doubt that the offence and the penalties provided in the second section are intended for the State judge, who, in the clea exercise of his functions as a Judge, not acting ministerially, but judicially, shall decide contrary to this Federal law. In other words, when a State Judge, acting upon a question involving a conflict between a State law and a Federal law, and bound according to his own judgment and responsibility, to give an impartial decision between the two, comes to the conclusion that the State law is valid and the Federal law is invalid, he must not follow the dictates of his own judgment, at the peril of fine and imprisonment. The legislative department of the Government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State Judge into a mere ministerial officer, bound to decide according to the will of Congress.

It is clear that in States which deny to persons whose rights are secured by the first section of the bill any of those rights, all criminal and civil cases affecting them will, by the provisions of the third section, come under the exclusive cognizance of the Federal tribunals. It follows that if, in any State which denies to a colored person any one of all those rights, that person should commit a crime against the laws of the State—murder, arson, rape, or any other crime—all protection and punishment through the courts of the State are taken away, and he can only be tried and punished in the Federal courts. How is the criminal to be tried? If the offence is provided for and punished by Federal law, that law, and not the State law, is to govern.

It is only when the offence does not happen to be within the purview of Federal law that the Federal courts are to try and punish him under any other law. Then resort is to be had to "the common law, as modified and changed" by State legislation, "so far as the same is not inconsistent with the Constitution and laws of the United States." So that over this vast domain of criminal jurisprudence provided by each State for the protection of its own citizens, and for the punishment of all persons who violate its criminal laws, Federal law, wherever it can be made to apply, displaces State law.

The question here naturally arises, from what source Congress derives the power to transfer to Federal tribunals certain classes of cases embraced in this section? The Constitution expressly declares that the judicial power of the United States "shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls: to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming land under grants of different States, and between a State, or citizens thereof, and foreign States, citizens, or subjects."

Here the judicial power of the United States is expressly set forth and defined; and the act of September 24, 1789, establishing the judicial courts of the United States, in conferring upon the Federal courts jurisdiction over cases originating in State tribunals, is careful to confine them to the classes enumerated in the above recited clause of the Constitution. This section of the bill undoubtedly comprehends cases, and authorizes the exercise of powers that are not, by the Constitution, within the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of all the States, for the bill applies alike to all of them—as well to those that have not as to those that have been engaged in rebellion.

It may be assumed that this authority is incident to the power granted to Congress by the Constitution, as recently amended, to enforce, by appropriate legislation, the article declaring that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." It cannot, however, be justly claimed that, with a view to the enforcement of this article of the Constitution, there is at present any necessity for the exercise of all the powers which this bill confers.

Slavery has been abolished and at present nowhere exists within the jurisdiction of the United States; nor has there been, nor is it likely there will be any attempt to revive it by the people of the States. If, however, any such attempt shall be made, it will then become the duty of the General Government to exercise any and all incidental powers necessary and proper to maintain inviolate this great constitutional law of freedom.

The fourth section of the bill provides that officers and agents of the Freedmen's Bureau shall be empowered to make arrests, and also that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes circuit courts of the United States, and the superior courts of the Territories, to appoint, without limitation, commissioners, who are to be charged with the performance of *quasi* judicial duties. The fifth section empowers the commissioners so to be selected by the courts to appoint in writing, under their hands, one or more suitable persons, from time to time, to execute warrants and other processes described by the bill. These numerous official agents are made to constitute a sort of police, in addition to the military, and are authorized to summon a *posse comitatus*, and even to call to their aid such portion of the land and naval forces of the United States, or of the militia, "as may be necessary to the performance of the duty with which they are charged."

This extraordinary power is to be conferred upon agents irresponsible to the Government and to the people, to whose number the discretion of the commissioners is the only limit, and in whose hands such authority might be made a terrible engine of wrong, oppression, and fraud. The general statues regulating the land and naval forces of the United States, the militia, and the execution of the laws, are believed to be adequate for every emergency which can occur in time of peace. If it should prove otherwise, Congress can at any time amend those laws in such manner as, while subserving the public welfare, not to jeopard the rights, interests, and liberties of the people.

The seventh section provides that a fee of ten dollars shall be paid to each commissioner in every case brought before him, and a fee of five dollars to his deputy, or deputies, "for each person he or they may arrest and take before any such commissioner," "with such other fees as may be deemed reasonable by such commissioner," "in general for performing such other duties as may be required in the premises." All these fees are to be "paid out of the Treasury of the United States," whether there is a conviction or not, but in case of conviction they are to be recoverable from the defendant. It seems to me that under the influence of such temptations bad men might convert any law, however beneficent, into an instrument of persecution and fraud.

By the eighth section of the bill the United States courts, which sit only in one place for white citizens, must migrate, with the marshal and district attorney, (and necessarily with the clerk, although he is not mentioned,) to any part of the district, upon the order of the President, and there hold a court "for the purpose of the more speedy arrest and trial of persons charged with a violation of this act;" and there the judge and the officers of the court must remain, upon the order of the President, "for the time therein designated."

The ninth section authorizes the President, or such person as he may empower for that purpose, "to employ such part of the land and naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act." This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate.

I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the South have hitherto lived together under the relations of master and slave—capital owning labor. Now, suddenly, that relation is changed, and, as to ownership, capital and labor are divorced. They stand now each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and if left to the laws that regulate capital and labor, it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence; but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value. This bill frustrates this adjustment. It intervenes between capital and labor, and attempts to settle questions of political economy through the agency of numerous officials, whose interests it will be to foment discord between the two races; for as the breach widens their employment will continue, and when it is closed their occupation will terminate.

In all our history, in all our experience as a people living under Federal and State law, no such system as that contemplated by the details of this bill has ever before been proposed or adopted. They establish, for the security of the colored race, safeguards which go infinitely beyond any that the General Government has ever provided for the white race. In fact, the distinction of race and color is by the bill made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State—an absorption and assumption of power by the General Government which, if acquieseed in, must sap and destroy our federative system of limited powers, and break down the barriers which preserve the rights of the States. It is another step, or rather stride, towards centralization and the concentration of all legislative powers in the National Government. The tendency of the bill must be to resuscitate the spirit of the rebellion, and to arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace.

My lamented predecessor, in his proclamation of the first of January, 1863, ordered and declared that all persons held as slaves within certain States and parts of States therein designated were and thenceforward should be free; and, further, that the executive government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons. This guaranty has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I therefore fully recognize the obligation to protect and defend that class of our people, whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States.

Entertaining these sentiments, it only remains for me to say, that I will cheerfully co-operate with Congress in any measure that may be necessary for the protection of the civil rights of the freedmen, as well as those of all other classes of persons throughout the United States, by judicial process under equal and impartial laws, in conformity with the provisions of the Federal Constitution.

I now return the bill to the Senate, and regret that in considering the bills and joint resolutions—forty-two in number—which have been thus far submitted for my approval, I am compelled to withhold my assent from a second measure that has received the sanction of both Houses of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., March 27, 1866.

Tri-Weekly Standard.

RALEIGH, N. C.

SATURDAY, - - MARCH 31, 1866.

The President's Veto Message.

We publish to-day President Johnson's veto of what is called the Civil Rights Bill.

We have never read a more compact or conclusive argument than this message presents. It shows that the bill in question is not only in conflict with the Constitution, the theory of the government, and the rights of the States, but that, in its consequences, it could not fail, if it should become a law, to operate disastrously to the very race it was designed to protect.

We do not propose any extended comment on this admirable document. It is before our readers, and speaks for itself. Let it be carefully read, and then laid away and preserved as another one of those masterly expositions of the Constitution which have proceeded from the President.

The annual message of President Johnson, at the opening of the present Congress, was received by the American people with almost universal approval. No document, perhaps, of a similar character, was ever more emphatically or cordially approved. The people in all portions of the country felt that it contained the true principles of the Constitution, and was the safest, if not the only platform on which the Union could be restored. In no important particular has the President departed from the principles of that message. Those principles will yet prevail. The President has won for himself, equally with Mr. Webster, the proud title of *Defender of the Constitution*. We trust the people everywhere will hold up his hands and encourage him in his arduous task. The great body of the Republican or Union party of the North and West owe it to their principles, and to the sacred cause of the Union itself, to sustain him; for if they should separate from him, or permit extreme views to disorganize and divide their ranks, they will fall before the recuperating forces of the Democrats, and the control of public affairs may thus pass into the hands of those who have not been foremost in the work of preserving the Union. And the Southern people will find, in the end, if they do not realize the fact now, that there is no hope for them unless they strengthen and uphold the President by carrying out in good faith, (as we are sorry to say they have not done thus far,) his policy of restoration. This policy must be adhered to in spirit as well as in letter; and if it should not be, the President will be gradually shorn of his influence, and extreme views will prevail.

The Connecticut Election.

This election, now close at hand, is exciting much attention. Gen. Hawley is the Republican or Union candidate for Governor, and Mr. English is the Democratic candidate.

We have seen several versions of conversations between the President and leading public men in relation to this election, and these versions would appear to be contradictory if not taken with reference to the known views of the President. The President's position seems to be this: He is a member of the Republican or Union party. He does not belong to the Democratic party. But he regards his policy for restoring the Union as paramount to everything else. While he does not wish to interfere in the elections, and while he is not disposed to play the partizan, yet, when his opinion is asked, he frankly states that he desires the election of those candidates who sustain his policy.—What more or what less could he say?

The people of the North, having conquered the South through the instrumentality of the common government, are now engaged in settling among themselves the terms on which the conquered States shall be restored to the Union. We trust that these terms, when settled, will be in accordance with the Constitution. This is all we ask. On the other hand, the people of the North have a right to expect that the States will return to the Union in good faith, through the instrumentality of "unmistakably" loyal men.—This is reasonable on their part, and we cannot expect to be admitted until this expectation is realized.

We shall publish in our next the testimony of Gen. Lee before the reconstruction committee.

We shall also publish a portion of the testimony of Mr. Botts, in which he makes the extraordinary revelation that Mr. Lincoln told him, in 1861, that he, Mr. Lincoln assured Mr. John B. Baldwin, of the Virginia Convention, that if he would go back to Richmond and induce the Convention to adjourn without passing the ordinance of secession, he would take the responsibility of evacuating Fort Sumter. Mr. Baldwin never communicated this assurance of Mr. Lincoln to the Convention. Mr. Botts swears positively that Mr. Lincoln told him this, but Mr. Baldwin denies it. This is the same Mr. Baldwin who stated a month or two since in the Virginia Legislature, that he would like to see Gen. Lee Governor of Virginia; and he is the same Baldwin who, with others, recently waited on the President as a delegation from Virginia.

For interesting news matter see the second column on the third page.

—The young men of New York city who attend balls are thus described in a Western paper:—"Pale, bald, with poor physiques, frivolous, dissipated, insane, one yard of tape to three of cotton written over their faces; they are the weakest specimens of humanity that one can see in any quarter of the globe. I know of no more disheartening sight than to contemplate three of them in a line."

The following letter was written by a gentleman whose Union principles rendered the climate of Florida rather uncongenial to him during the late rebellion, in consequence of which he left the state and was appointed by President Lincoln Consul at Matamoras, Mexico. The letter was addressed to Hon. David S. Walker, Governor of Florida, and was published in the *Commonwealth*, Quincy, Fla., and we copy it because it refers to the trial of Maj. John H. Gee, now progressing before a Military Commission in this City, when anthing connected with the trial, or with the prisoner, are listened to with interest:—

TALLAHASSEE, March 17th, 1866.

To His Excellency:
DAVID S. WALKER,
Governor of Florida:

Sir:—On my recent return from being a refugee on account of the late wicked rebellion, I was grieved to learn that Dr. John Gee, of Gladsden county, was being tried for his cruelty to Federal prisoners, while in command at the military prison, Salisbury, N. C. I know nothing of the facts, but I know the *man*, have known him *well* and *long*. He was Assistant Surgeon in Gen. Liegh Read's brigade, Florida war, in 1840 and 41, and beloved by all that shared his acquaintance. In the fall of 1850, when about to return from California, the cholera was raging fearfully at Sacramento City. (Such distress I never knew.) Dr. John Gee threw himself and his fortune into the breach, for weeks not even undressing his person, gathering some from the streets, providing them with rooms, blankets, and nursing, at his own expense, not even noticing their names. I wish I had power to picture his acts of kindness to the suffering poor, far away from home, no hopes of reward except the approval of his own heart. I was knowing to his spending in this means, his own funds, till he had not funds left to return home. (I came home with him.) My knowledge in detail of his kindness, gives me proof that he possessed the noblest attributes of man. He is high minded, truthful, and honorable. I do not believe he could be influenced to dissimulate and misrepresent, even to save his own life. I am fully convinced of the barbarous treatment of prisoners, but *no man* of my acquaintance, could I less believe capable of cruelty, than Dr. John Gee, and must hope that yet it may be shown to be not intended cruelty.

Governor, you know I have a right to complain of the abuses of the late rebellion, and verily believe many now released by my government, should not have been. Yet, I can't feel that one of the best men I ever knew has turned demon. You can, if you think my remarks worth anything to the cause of humanity, use them as you think best. This token of my feeling is not known or expected by his friends, for one who has so publicly been denounced as your humble servant.

I am, Governor, with high respect,
Your ob'dt servant,
C. H. BLOOD.

THE "PEACE CONFERENCE."

Secretary Seward's letter to Minister Adams giving an official history of the "conference held in Hampton Roads in Febuary, 1865," has been published. Mr. Seward introduces the narration with the following observations:

Sir: It is a truism that in times of peace there are always instigators of war. So soon as a war begins there are citizens who impatiently demand negotiations for peace. The advocates for war, after an agitation longer or shorter, generally gain their fearful end, though the war declared is not unfrequently unnecessary and unwise. So peace agitators, in time of war, ultimately bring about an abondonment of the conflict—sometimes without securing the advantages which were originally expected from the conflict.

The agitators for war in time of peace, and for peace in time of war, are not necessarily, or perhaps ordinarily, unpatriotic in their purposes and motives. Results alone determine whether they are wise or unwise. The treaty of peace concluded at Guadalupe Hidalgo was secured by an irregular negotiation under the ban of the Government. Some of the efforts which have been made to bring about negotiations with a view to end our civil war are known to the whole world, because they have employed foreign as well as domestic agents; others, with whom you have had to deal confidentially, are known to yourself, although they have not publicly transpired. Other efforts have occurred here, which are known only to the persons actually moving in them and to this Government. I am now to give you for your information an account of an affair of the same general character, which recently received much attention here, and which doubtless will excite inquiry abroad.

After detailing the circumstances which led to the meeting, Mr. Seward proceeds:

On the morning of the 3d of February, the President, attended by the Secretary, received Messrs. Stephens, Hunter and Campbell, on board the United States steam transport River Queen, in Hampton Roads. The conference was altogether informal. There was no attendance of secretaries, clerks, or other witnesses. Nothing was written or read. The conversation, though earnest and free, was calm and courteous and kind on both sides. The Richmond party approached the discussion rather indirectly, and at no time did they either make categorical demands, or tender formal stipulations, or absolute refusals. Nevertheless, during the conference, which lasted four hours, the several points at issue between the Government and the insurgents were distinctly raised and discussed fully, intelligently and in an amiable spirit. What the insurgent party seemed chiefly to favor was a postponement of the question of separation upon which the war is waged, and a mutual direction of the efforts of Government, as well as those of the insurgents, to some extrinsic policy or scheme for a season, during which passion might be expected to subside and the armies to be reduced, and trade and intercourse between the people of both sections resumed. It was suggested by them that through such postponement we might now have immediate peace, with some not very certain prospect of an ultimate satisfactory adjustment of political relations between this Government and the States, section or people now engaged in conflict with it.

This suggestion, though deliberately considered, was, nevertheless, regarded by the President as one of armistice or truce, and he announced that we can agree to no cessation or suspension of hostilities except on the basis of the disbandment of the insurgent forces and the restoration of the national authority throughout all the States in the Union. Collaterally and in subordination to the proposition that was thus announced, the anti-slavery policy of the United States was reviewed in all its bearings, and the President announced that he must not be expected to depart from the positions he had here tofore assumed in his proclamation of emancipation and other documents, as these positions were reiterated in his last annual message. It was further declared by the President that the complete restoration of the national authority was an indispensable condition of any assent on our part to whatever form of peace might be proposed. The President assured the other party that, while he must adhere to these positions, he would be prepared, so far as power is lodged with the Executive, to exercise liberality.

His power is limited by the Constitution. And when peace should be made, Congress must necessarily act in regard to appropriations of money and to the admission of Representatives from the insurrectionary States. The Richmond party were then informed that Congress had, on the 31st ultimo, adopted, by a constitutional majority, a joint resolution, submitting to the several States the proposition to abolish slavery throughout the Union, and that there is every reason to expect that it will soon be accepted by three-fourths of the States, so as to become a part of the national organic law. The conference came to an end by mutual acquiescence, without procuring an agreement of views upon the several matters discussed, or any of them. Nevertheless, it is perhaps of some importance that we have been able to submit our opinions and views directly to prominent insurgents, and to hear them answer in a courteous and not unfriendly manner.

I am, sir, your obedient servant,
WILLIAM H. SEWARD.

Charles Francis Adams, Esq., &c., &c.

CAPTAIN MAURY—EX-SENATOR GWIN—MR. SEWARD'S FEELING TOWARDS THE SOUTH.—The reports in circulation here as to the final departure of Captain Maury from Mexico, are unfounded. It has been currently rumored that Captaim Maury has been superceded by Maximillan, and this act of the Emperor is regarded as a concession to the United States Government. A private letter recently received from Captain Maury states that he is actively engaged in developing his immigration schemes, and he is still at the head of the bureau. He has gone over to Europe on business connected with his department. The news of the dismissal of Captain Maury would be very welcome to Mr. Seward, who looks with an evil eye on everything connected with the Mexican Empire, and especially on the efforts of Southerners to establish themselves there.

Young Gwin was recently here, endeavoring to obtain the release of his father, Dr. W. M. Gwin, who is still a prisoner at Fort Jackson. After several ineffectual efforts to see Mr. Seward, whom he regard as a great friend of his father's, he finally succeeded. Mr. Seward told him that the only advice he could give him was to leave for Europe as soon as possible, by the first steamer, and that if his father was released it would only be upon condition that he should also quit the country without delay. Young Gwin took the hint and sailed without loss of time.

As an instance of the feeling of the Secretary of State towards the Southern people, it may not be amiss to mention a speech of his recently made to a gentleman of high character. "The South," said Mr. Seward, "is not yet sufficiently humiliated. The Southern people must get down in the dirt. Not," added he, "that I would have them eat it when they get there."—*Washington Correspondence Baltimore Gazette.*